
SUBSTITUTE HOUSE BILL 2225

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Schoesler, Pennington, Sheldon, Kessler, D. Sommers, Radcliff, Koster, Delvin, Conway, Scheuerman, Campbell, Horn, Sheahan, Quall, Mitchell, Thompson, Blanton, Costa, Backlund and Benton)

Read first time 01/30/96.

1 AN ACT Relating to increasing the punishment for rape and indecent
2 liberties; reenacting and amending RCW 9.94A.320; creating a new
3 section; prescribing penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 (1) The legislature finds that:

8 (a) Rape and other sex offenses involving forcible compulsion are
9 among the most terrifying and demeaning criminal acts an individual can
10 perpetrate against another human being and the personal trauma and
11 anguish suffered by the victims of rape and indecent liberties and by
12 their families can create devastating difficulties which often take
13 years to overcome;

14 (b) The pain and complications caused by rape and indecent
15 liberties are even more severe where deadly weapons are involved, where
16 the victim is kidnapped or receives serious physical injuries, where
17 the victim is less than fourteen years old, where the perpetrator has
18 wrongfully entered the building or vehicle where the victim is
19 situated, or where forcible compulsion is used; and

1 (c) The severity of punishment for those who commit rape or
2 indecent liberties should be commensurate with the crime the
3 perpetrators have forced upon their victims and strict penalties for
4 such cruel and humiliating violations of a person's dignity and honor
5 are both appropriate and just.

6 (2) The legislature hereby intends to ensure that the penalties
7 imposed for rape and indecent liberties are significant and that the
8 victims of rape and indecent liberties will be better able to lead
9 lives free of fear knowing that the perpetrators of such crimes against
10 them will be incarcerated for a substantial length of time.

11 **Sec. 2.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
12 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
13 amended to read as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

16	XV	Aggravated Murder 1 (RCW 10.95.020)
17	XIV	Murder 1 (RCW 9A.32.030)
18		Homicide by abuse (RCW 9A.32.055)
19		<u>Rape 1 (RCW 9A.44.050)</u>
20		<u>Rape of a Child 1 (RCW 9A.44.073)</u>
21	XIII	Murder 2 (RCW 9A.32.050)
22		<u>Rape 2 (with forcible compulsion) (RCW</u>
23		<u>9A.44.050(1)(a))</u>
24		<u>Rape of a Child 2 (RCW 9A.44.076)</u>
25	XII	Assault 1 (RCW 9A.36.011)
26		Assault of a Child 1 (RCW 9A.36.120)
27		<u>Indecent Liberties (with forcible</u>
28		<u>compulsion) (RCW 9A.44.100(1)(a))</u>
29	XI	((Rape 1 (RCW 9A.44.040)
30		Rape of a Child 1 (RCW 9A.44.073)))

1 X Kidnapping 1 (RCW 9A.40.020)
2 Rape 2 (without forcible compulsion) (RCW
3 9A.44.050(1) (b), (c), (d), and (e))
4 (~~Rape of a Child 2 (RCW 9A.44.076)~~)
5 Child Molestation 1 (RCW 9A.44.083)
6 Damaging building, etc., by explosion with
7 threat to human being (RCW
8 70.74.280(1))
9 Over 18 and deliver heroin or narcotic
10 from Schedule I or II to someone
11 under 18 (RCW 69.50.406)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))

14 IX Assault of a Child 2 (RCW 9A.36.130)
15 Robbery 1 (RCW 9A.56.200)
16 Manslaughter 1 (RCW 9A.32.060)
17 Explosive devices prohibited (RCW
18 70.74.180)
19 (~~Indecent Liberties (with forcible
20 compulsion) (RCW 9A.44.100(1)(a))~~)
21 Endangering life and property by
22 explosives with threat to human being
23 (RCW 70.74.270)
24 Over 18 and deliver narcotic from Schedule
25 III, IV, or V or a nonnarcotic from
26 Schedule I-V to someone under 18 and
27 3 years junior (RCW 69.50.406)
28 Controlled Substance Homicide (RCW
29 69.50.415)
30 Sexual Exploitation (RCW 9.68A.040)
31 Inciting Criminal Profiteering (RCW
32 9A.82.060(1)(b))
33 Vehicular Homicide, by being under the
34 influence of intoxicating liquor or
35 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with
7 intent to deliver heroin or cocaine
8 (RCW 69.50.401(a)(1)(i))
9 Manufacture, deliver, or possess with
10 intent to deliver methamphetamine
11 (RCW 69.50.401(a)(1)(ii))
12 Vehicular Homicide, by the operation of
13 any vehicle in a reckless manner (RCW
14 46.61.520)

15 VII Burglary 1 (RCW 9A.52.020)
16 Vehicular Homicide, by disregard for the
17 safety of others (RCW 46.61.520)
18 Introducing Contraband 1 (RCW 9A.76.140)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1) (b) and
21 (c))
22 Child Molestation 2 (RCW 9A.44.086)
23 Dealing in depictions of minor engaged in
24 sexually explicit conduct (RCW
25 9.68A.050)
26 Sending, bringing into state depictions of
27 minor engaged in sexually explicit
28 conduct (RCW 9.68A.060)
29 Involving a minor in drug dealing (RCW
30 69.50.401(f))
31 Reckless Endangerment 1 (RCW 9A.36.045)
32 Unlawful Possession of a Firearm in the
33 first degree (RCW 9.41.040(1)(a))

34 VI Bribery (RCW 9A.68.010)
35 Manslaughter 2 (RCW 9A.32.070)
36 Rape of a Child 3 (RCW 9A.44.079)
37 Intimidating a Juror/Witness (RCW
38 9A.72.110, 9A.72.130)

1 Damaging building, etc., by explosion with
2 no threat to human being (RCW
3 70.74.280(2))
4 Endangering life and property by
5 explosives with no threat to human
6 being (RCW 70.74.270)
7 Incest 1 (RCW 9A.64.020(1))
8 Manufacture, deliver, or possess with
9 intent to deliver narcotics from
10 Schedule I or II (except heroin or
11 cocaine) (RCW 69.50.401(a)(1)(i))
12 Intimidating a Judge (RCW 9A.72.160)
13 Bail Jumping with Murder 1 (RCW
14 9A.76.170(2)(a))
15 Theft of a Firearm (RCW 9A.56.300)
16 V Persistent prison misbehavior (RCW
17 9.94.070)
18 Criminal Mistreatment 1 (RCW 9A.42.020)
19 Rape 3 (RCW 9A.44.060)
20 Sexual Misconduct with a Minor 1 (RCW
21 9A.44.093)
22 Child Molestation 3 (RCW 9A.44.089)
23 Kidnapping 2 (RCW 9A.40.030)
24 Extortion 1 (RCW 9A.56.120)
25 Incest 2 (RCW 9A.64.020(2))
26 Perjury 1 (RCW 9A.72.020)
27 Extortionate Extension of Credit (RCW
28 9A.82.020)
29 Advancing money or property for
30 extortionate extension of credit (RCW
31 9A.82.030)
32 Extortionate Means to Collect Extensions
33 of Credit (RCW 9A.82.040)
34 Rendering Criminal Assistance 1 (RCW
35 9A.76.070)
36 Bail Jumping with class A Felony (RCW
37 9A.76.170(2)(b))
38 Sexually Violating Human Remains (RCW
39 9A.44.105)

1 Delivery of imitation controlled substance
2 by person eighteen or over to person
3 under eighteen (RCW 69.52.030(2))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)

6 IV Residential Burglary (RCW 9A.52.025)
7 Theft of Livestock 1 (RCW 9A.56.080)
8 Robbery 2 (RCW 9A.56.210)
9 Assault 2 (RCW 9A.36.021)
10 Escape 1 (RCW 9A.76.110)
11 Arson 2 (RCW 9A.48.030)
12 Commercial Bribery (RCW 9A.68.060)
13 Bribing a Witness/Bribe Received by
14 Witness (RCW 9A.72.090, 9A.72.100)
15 Malicious Harassment (RCW 9A.36.080)
16 Threats to Bomb (RCW 9.61.160)
17 Willful Failure to Return from Furlough
18 (RCW 72.66.060)
19 Hit and Run « Injury Accident (RCW
20 46.52.020(4))
21 Vehicular Assault (RCW 46.61.522)
22 Manufacture, deliver, or possess with
23 intent to deliver narcotics from
24 Schedule III, IV, or V or
25 nonnarcotics from Schedule I-V
26 (except marijuana or
27 methamphetamines) (RCW
28 69.50.401(a)(1)(ii) through (iv))
29 Influencing Outcome of Sporting Event (RCW
30 9A.82.070)
31 Use of Proceeds of Criminal Profiteering
32 (RCW 9A.82.080 (1) and (2))
33 Knowingly Trafficking in Stolen Property
34 (RCW 9A.82.050(2))

35 III Criminal Mistreatment 2 (RCW 9A.42.030)
36 Extortion 2 (RCW 9A.56.130)
37 Unlawful Imprisonment (RCW 9A.40.040)
38 Assault 3 (RCW 9A.36.031)

1 Assault of a Child 3 (RCW 9A.36.140)
2 Custodial Assault (RCW 9A.36.100)
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(1)(b))
5 Harassment (RCW 9A.46.020)
6 Promoting Prostitution 2 (RCW 9A.88.080)
7 Willful Failure to Return from Work
8 Release (RCW 72.65.070)
9 Burglary 2 (RCW 9A.52.030)
10 Introducing Contraband 2 (RCW 9A.76.150)
11 Communication with a Minor for Immoral
12 Purposes (RCW 9.68A.090)
13 Patronizing a Juvenile Prostitute (RCW
14 9.68A.100)
15 Escape 2 (RCW 9A.76.120)
16 Perjury 2 (RCW 9A.72.030)
17 Bail Jumping with class B or C Felony (RCW
18 9A.76.170(2)(c))
19 Intimidating a Public Servant (RCW
20 9A.76.180)
21 Tampering with a Witness (RCW 9A.72.120)
22 Manufacture, deliver, or possess with
23 intent to deliver marijuana (RCW
24 69.50.401(a)(1)(ii))
25 Delivery of a material in lieu of a
26 controlled substance (RCW
27 69.50.401(c))
28 Manufacture, distribute, or possess with
29 intent to distribute an imitation
30 controlled substance (RCW
31 69.52.030(1))
32 Recklessly Trafficking in Stolen Property
33 (RCW 9A.82.050(1))
34 Theft of livestock 2 (RCW 9A.56.080)
35 Securities Act violation (RCW 21.20.400)

1 II Unlawful Practice of Law (RCW 2.48.180)
2 Malicious Mischief 1 (RCW 9A.48.070)
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Theft 1 (RCW 9A.56.030)
6 Trafficking in Insurance Claims (RCW
7 48.30A.015)
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 Health Care False Claims (RCW 48.80.030)
11 Possession of controlled substance that is
12 either heroin or narcotics from
13 Schedule I or II (RCW 69.50.401(d))
14 Possession of phencyclidine (PCP) (RCW
15 69.50.401(d))
16 Create, deliver, or possess a counterfeit
17 controlled substance (RCW
18 69.50.401(b))
19 Computer Trespass 1 (RCW 9A.52.110)
20 Escape from Community Custody (RCW
21 72.09.310)

22 I Theft 2 (RCW 9A.56.040)
23 Possession of Stolen Property 2 (RCW
24 9A.56.160)
25 Forgery (RCW 9A.60.020)
26 Taking Motor Vehicle Without Permission
27 (RCW 9A.56.070)
28 Vehicle Prowl 1 (RCW 9A.52.095)
29 Attempting to Elude a Pursuing Police
30 Vehicle (RCW 46.61.024)
31 Malicious Mischief 2 (RCW 9A.48.080)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Unlawful Issuance of Checks or Drafts (RCW
34 9A.56.060)
35 Unlawful Use of Food Stamps (RCW 9.91.140
36 (2) and (3))
37 False Verification for Welfare (RCW
38 74.08.055)
39 Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
2 Substance (RCW 69.50.403)
3 Possess Controlled Substance that is a
4 Narcotic from Schedule III, IV, or V
5 or Non-narcotic from Schedule I-V
6 (except phencyclidine) (RCW
7 69.50.401(d))

8 NEW SECTION. **Sec. 3.** This act shall take effect July 1, 1996.

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